

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

UNITED STATES OF AMERICA,

Plaintiff,

-v-

JEREMY E. LEWIS,

Defendant.

**Case No. 3:08-cr-175
also 3:11-cv-299**

**Judge Thomas M. Rose
Magistrate Judge Michael R. Merz**

ENTRY AND ORDER OVERRULING LEWIS'S OBJECTIONS (Doc. #149) TO THE MAGISTRATE JUDGE'S REPORT AND RECOMMENDATIONS REGARDING LEWIS'S MOTION FOR A CERTIFICATE OF APPEALABILITY REGARDING THE DENIAL OF HIS MOTION TO AMEND HIS §2255 PETITION; ADOPTING THE MAGISTRATE JUDGE'S REPORT AND RECOMMENDATIONS (Doc. #146) IN ITS ENTIRETY; AND DENYING LEWIS A CERTIFICATE OF APPEALABILITY OF THE DENIAL OF HIS MOTION TO AMEND HIS §2255 MOTION

This matter comes before the Court pursuant to pro se Defendant Jeremy E. Lewis's ("Lewis's") Objections (doc. #149) to Magistrate Judge Michael R. Merz's Report and Recommendations (doc. #146) regarding Lewis's Motion for a Certificate of Appealability regarding the denial of his Motion To Amend his §2255 Petition. The Magistrate Judge recommends that Lewis not be granted a certificate of appealability. The time has run and Plaintiff United States of America has not responded to Lewis's Objections. Thus, Lewis's Objections are ripe for decision.

As required by 28 U.S.C. §636(b) and Federal Rules of Civil Procedure Rule 72(b), the District Judge has made a de novo review of the record in this case. Upon said review, the Court finds that Lewis's Objections to the Magistrate Judge's Report and Recommendations regarding

Lewis's Motion for a Certificate of Appealability regarding the denial of his Motion To Amend his §2255 Petition are not well-taken, and they are hereby OVERRULED.

The Magistrate Judge's Report and Recommendations is adopted in its entirety. Lewis is denied a Certificate of Appealability of the denial of his Motion To Amend his §2255 Petition.

DONE and **ORDERED** in Dayton, Ohio, this Tenth Day of February, 2012.

s/Thomas M. Rose

THOMAS M. ROSE
UNITED STATES DISTRICT JUDGE

Copies furnished to:

Counsel of Record
Jeremy E. Lewis at his last address of record